

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

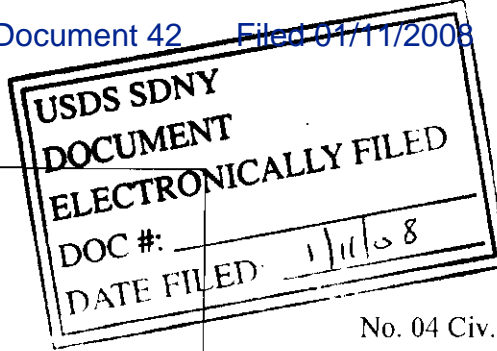
VALERIE SHORE,

Plaintiff,

-v-

PAINE WEBBER LONGTERM
DISABILITY PLAN, *et al.*,

Defendants.



No. 04 Civ. 4152 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

By letter dated January 8, 2008, defendants indicate that, “following the remand and further review” of plaintiff’s claim for long-term disability benefits, plaintiff’s claim has been approved by the Plan Administrator. (Defs.’ Jan. 8, 2007 Ltr.) Previously, on December 12, 2007, defendants submitted their opposition to plaintiff’s motion for attorney’s fees and costs, wherein defendants argued that an award of attorney’s fees was premature at any point prior to a final resolution of plaintiff’s claim by the Plan Administrator. (*See* Defs.’ Opp. Mem. at 1.) Alternatively, defendants argued that, even assuming *arguendo* that plaintiff’s claim was ripe at this time, plaintiff had failed to establish her entitlement to attorney’s fees pursuant to the five-factor test set forth in *Salovaara v. Eckert*, 222 F.3d 19, 27 (2d Cir. 2000). (*See id.*)

Accordingly,

IT IS HEREBY ORDERED that, because it appears that the Plan Administrator has now reached a final decision in plaintiff’s favor, each party shall submit a letter, not to exceed three (3) pages, by January 22, 2008, regarding the effect of this development upon plaintiff’s motion for attorney’s fees and costs. The letters should be delivered to the Court’s Case Manager via e-mail at eileen_levine@nysd.uscourts.gov, and a hard copy should be sent to Chambers.

SO ORDERED.

Dated: New York, New York
January 11, 2008

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE